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RUEHBO/AMEMBASSY BOGOTA 6397  
RUEHBR/AMEMBASSY BRASILIA 0371  
RUEHBU/AMEMBASSY BUENOS AIRES 7580  
RUEHCV/AMEMBASSY CARACAS 4627  
RUEHCP/AMEMBASSY COPENHAGEN 0493  
RUEHPE/AMEMBASSY LIMA 4962  
RUEHMN/AMEMBASSY MONTEVIDEO 6285  
RUEHQT/AMEMBASSY QUITO 7245  
RUEHSG/AMEMBASSY SANTIAGO 2009  
RUCNDT/USMISSION USUN NEW YORK 0247  
RHEHNSC/NSC WASHINGTON DC  
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RUEAIIA/CIA WASHINGTON DC  
RUEKJCS/SECDEF WASHINGTON DC  
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S E C R E T LA PAZ 000710

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E.O. 12958: DECL: 10 YEARS AFTER CHANGE OF GOVERNMENT  
TAGS: [ASEC](#) [PGOV](#) [PREL](#) [PTER](#) [PINR](#) [BL](#)  
SUBJECT: DEFENSE ATTORNEY LAMENTS POLITICIZED TERROR CASE

REF: A. LA PAZ 659  
[1](#)B. LA PAZ 635

Classified By: A/EcoPol Chief Joe Relk for reasons 1.4 (b)(d)

[1](#)1. (S) Ministry of Foreign Relations Legal Advisor Paola Melendres (strictly protect) told PolOff May 11 that her close friend and the former defense attorney for Santa Cruz terror cell suspect Elot (alternative spelling Elod) Toasa told her there is sufficient evidence to prosecute Toasa for "standing up an illegal militia" and on a number of weapons and conspiracy charges. However, she contended there was not enough evidence to support the government's claim that the group planned to assassinate Morales "or anyone else."

Sign Here for Political Prosecutions  
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[1](#)2. (S) The former defense attorney allegedly told Melendres that the government has been trying frantically to get Toasa's testimony to match that of the other surviving cell suspect, Mario Tadic (reftels). She claimed Tadic signed an affidavit linking a broad range of opposition leaders to financing or otherwise supporting the cell almost immediately after the government raid on it April 16, resulting in the deaths of three other alleged plotters. Melendres explained that her defense attorney friend and other contacts in the investigation told her the government has been waiting to release Tadic's testimony for weeks hoping it could get a similar confession from Toasa and fearing inconsistencies would discredit the coming charges against opposition leaders. She claimed Toasa continues to refuse to sign anything that is not translated into his native Hungarian. Melendres claimed Toasa's former defense attorney characterized this as a "stalling tactic," as the affidavit in question was verbally translated to him by a Hungarian official.

GOB Begins to Leak Tadic's Testimony; Target Costas  
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[1](#)3. (U) On May 13, the government released parts of Tadic's testimony alleging Costas met with the alleged terror cell's leader three times and vaguely discussed "organizing something." Costas denied Tadic's account outright.

## Caught Between Ministerial Maneuverings

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14. (S) Despite being replaced in late April by a private attorney, the former defense attorney continues to be pressured by the Ministry of Government to sign an affidavit claiming Toasa implicated former Santa Cruz Civic Committee President Branco Marinkovic, Santa Cruz Prefect (governor) Ruben Costas, and other opposition leaders in the alleged terrorist cell. She also allegedly told Melendres Toasa never confessed to knowing let alone linking the opposition figures to the group. Consistent with what Tadic's former defense attorney told us (reftel a), Taosa's former attorney told Melendrez she was happy to be relieved from the case considering the legal irregularities and political pressure. She added, however, that she was also being pressured from the Ministry of Justice to sign an affidavit alleging Toasa had been violently beaten. Believing the security forces were not excessive in their treatment of Toasa while she was his defense attorney, she has also refused to cooperate with the Ministry of Justice on the matter, placing her at considerable professional risk.

15. (S) Melendres claimed the dueling affidavits are part of an internal fight between the two ministries, with the Justice Ministry trying to prove its independence and some of its leaders trying to undermine Government Minister Alfredo Rada. She likened the internal struggle to the downfall of Hydrocarbons Minister Santos Ramirez on corruption charges in January 2008, with Foreign Minister Choquehuanca, among others, urging President Morales to "sacrifice him for the good of the movement." She claimed Choquehuanca hoped Ramirez's exit would strengthen his standing with powerful social movements. "This practice of using legal cases for personal political vendettas is nothing new, but the MAS (ruling party) has taken it to a new level."

URS